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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

Defendant.

No.

STATEMENT OF DEFENDANT ON
PLEA OF GUILTY TO FELONY
SEX OFFENSE (STTDFG)

1. My true name is _____.

2. My date of birth is _____.

3. I went through the _____ grade.

4. **I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:**

(a) I have the right to representation by a lawyer; if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is _____.

(b) I am charged with the crime(s) of _____.

The elements of this crime(s) are set forth in the information/_____ amended information, which is incorporated by reference and which I have reviewed with my lawyer.

1
2 **5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE**
3 **FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY**
4 **PLEADING GUILTY:**

5 (a) The right to a speedy and public trial by an impartial jury in the county where the crime
6 is alleged to have been committed;

7 (b) The right to remain silent before and during trial, and the right to refuse to testify against
8 myself;

9 (c) The right at trial to testify and to hear and question the witnesses who testify against me;

10 (d) The right at trial to have witnesses testify for me. These witnesses can be made to
11 appear at no expense to me;

12 (e) The right to be presumed innocent until the charge is proven beyond a reasonable doubt
13 or I enter a plea of guilty;

14 (f) The right to appeal a determination of guilt after a trial.

15 **6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA(S), I**
16 **UNDERSTAND THAT:**

17 (a) The crime(s) with which I am charged carries a sentence(s) of:

Count No.	Standard Range	Enhancement That Will Be Added to Standard Range	Maximum Term And Fine
			_____ years \$ _____
			_____ years \$ _____
			_____ years \$ _____

1 (b) The standard sentence range is based on the crime charged and my criminal history.
2 Criminal history includes prior convictions and juvenile adjudications or convictions, whether in
3 this state, in federal court, or elsewhere.

4 (c) The prosecuting attorney's statement of my criminal history is attached to this
5 agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's
6 statement is correct and complete. If I have attached my own statement, I assert that it is correct
7 and complete. If I am convicted of any additional crimes between now and the time I am sentenced,
8 I am obligated to tell the sentencing judge about those convictions.

9 (d) If I am convicted of any new crimes before sentencing, or if any additional criminal
10 history is discovered, both the standard sentence range and the prosecuting attorney's
11 recommendations may increase or a mandatory sentence of life imprisonment without possibility of
12 parole may be required by law. Even so, I cannot change my mind and my plea of guilty to this
13 charge is binding on me.

14 (e) In addition to sentencing me to confinement, the judge will order me to pay \$500 as a
15 victim's compensation fund assessment and a \$100 DNA fee. If this crime is commercial sexual
16 abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for
17 commercial sexual abuse of a minor, the judge will impose an additional fine of \$5000 unless the
18 judge finds that I am indigent. If this crime resulted in injury to any person or damages to or loss of
19 property, the judge will order me to make restitution, unless extraordinary circumstances exist
20 which make restitution inappropriate. The judge may also order that I pay a fine, court costs,
21 attorney fees, and other costs and fees, and place other restrictions and requirements upon me.
22 Furthermore, the judge may place me on community custody.

1 (f)

2 (i) For sex offenses committed before September 1, 2001: In addition to
3 sentencing me to confinement, the judge may order me to serve up to one year
4 of community custody if the total period of confinement ordered is not more
5 than 12 months. If the period of confinement is more than one year, the judge
6 will order me to serve three years of community custody (two years or up to
7 the period of earned early release, whichever is longer, up to 36 months, if
8 offense committed before 6/6/1996). During the period of community custody,
9 I will be under the supervision of the Department of Corrections, and I will
10 have restrictions and requirements placed upon me.

11 (ii) For sex offenses committed on or after September 1, 2001:

12 (a) Sentencing under RCW 9.94A.507 (formerly RCW 9.94A.712): If this
13 offense is for any of the offenses listed in subsections (1) or (2), below, the
14 judge will impose a maximum term of confinement consisting of the
15 statutory maximum sentence for the offense, and a minimum term of
16 confinement either within the standard range for the offense or outside the
17 standard range if an exceptional sentence is imposed. The minimum term
18 of confinement that is imposed may be increased by the Indeterminate
19 Sentence Review Board if the Board determines by a preponderance of the
20 evidence that it is more likely than not that I will commit sex offenses if
21 released from custody. In addition to the period of confinement, I will be
22 sentenced to community custody for any period of time I am released from

total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me and I may be required to participate in rehabilitative programs.

(1) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old.	Rape of a child in the second degree committed when I was at least 18 years old.
Child molestation in the first degree committed when I was at least 18 years old.	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	Assault of a child in the second degree

(2) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses or a comparable offense in this state, in federal court, or elsewhere:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	Assault of a child in the second degree

1 (b) If this offense is for a sex offense that is not listed in paragraph
2 6(f)(ii)(a), in addition to sentencing me to confinement, the judge may
3 order me to serve up to one year of community custody if the total
4 period of confinement ordered is not more than 12 months. If the
5 period of confinement is over one year, the judge will sentence me to
6 community custody for a period of 36 months. During the period of
7 community custody to which I am sentenced, I will be under the
8 supervision of the Department of Corrections, and I will have
9 restrictions and requirements placed upon me.

10 (iii) If this offense is Failure to Register as a Sex Offender and the crime was
11 committed on or after June 7, 2006, regardless of the term of confinement ordered, the
12 judge will sentence me to community custody for a period of 36 months. During the
13 period of community custody, I will be under the supervision of the Department of
14 Corrections, and I will have restrictions and requirements placed upon me.

15 (g) The prosecuting attorney will make the following recommendation to the judge: _____

16 _____
17 _____
18 _____
19 ☐ The prosecutor will make the recommendation stated in the plea Agreement and State's
20 Sentence Recommendation, which are incorporated by reference.

21 (h) The judge does not have to follow anyone's recommendation as to sentence. The judge
22 must impose a sentence within the standard range (except as provided in paragraph 6(f)(ii)(a))

1 unless there is a finding of substantial and compelling reasons not to do so or both parties stipulate
2 to a sentence outside the standard range. If the judge goes outside the standard range, either I or the
3 State can appeal that sentence to the extent to which it was not stipulated. If the sentence is within
4 the standard range, no one can appeal the sentence.

5 (i) The crime of _____ has a mandatory minimum sentence
6 of at least _____ years of total confinement. The law does not allow any reduction of this
7 sentence. For crimes committed on or after July 24, 2005, this does not apply to juveniles tried as
8 adults pursuant to a transfer of jurisdiction under RCW 13.40.110 (see RCW 9.94A.540(3)). [If not
9 applicable, this paragraph should be stricken and initialed by the defendant and the judge ____ ____.]

10 The crime of _____ is a most serious offense as defined by
11 RCW 9.94A.030, and if I have at least two prior convictions on separate occasions whether in this
12 state, in federal court, or elsewhere, of most serious crimes, I may be found to be a Persistent
13 Offender. If I am found to be a Persistent Offender, the Court must impose the mandatory sentence
14 of life imprisonment without the possibility of early release of any kind. RCW 9.94A.570. [If not
15 applicable, this paragraph should be stricken and initialed by the defendant and the judge ____ ____.]

16 The crime of _____ with a finding that [circle
17 applicable finding] (1) the crime was predatory as defined by RCW 9.94A.030; (2) the victim was
18 under 15 at the time of the offense; (3) the victim was developmentally disabled, mentally
19 disordered, a frail elder, or a vulnerable adult; if committed on or after July 1, 2006, has a
20 mandatory minimum sentence of 25 years of confinement or the maximum of the standard range
21 sentence, whichever is greater. The law does not allow any reduction of this sentence. RCW
22 9.94A.712. This minimum sentence does not apply to juveniles tried as adults pursuant to RCW

1 13.040.030(1)(e). [If not applicable, this paragraph should be stricken and initialed by the
2 defendant and the judge _____.]

3 (j) If this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the
4 second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child
5 molestation in the first degree, or (2) any of the following with a finding of sexual motivation: murder
6 in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree,
7 kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a
8 child in the first degree, or burglary in the first degree, or (3) any attempt to commit any of the
9 offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses
10 (or if the current offense was committed after July 21, 2001, a comparable offense in this state, in
11 federal court, or elsewhere), the offense for which I am charged carries a mandatory sentence of life
12 imprisonment without the possibility of parole.

13 (k) The crime charged in Count _____ includes a firearm / deadly weapon
14 sentence enhancement of _____ months. This additional confinement
15 time is mandatory and must be served consecutively to any other sentence and any other
16 enhancement I have already received or will receive in this or any other cause for any felony
17 offense. [If not applicable, this paragraph should be stricken and initialed by the defendant and the
18 judge _____.]

19 (l) This offense is a felony firearm offense as defined by RCW 9A.010, including any
20 felony committed while armed with a firearm, and the judge may impose a requirement that I
21 register with the sheriff in the County where I reside, for a period of four years from sentencing or
22 from my release from confinement for this offense, whichever is later, in compliance with 2013

1 Laws, Chapter 183, section 4. [If not applicable, this paragraph should be stricken and initialed by
2 the defendant and judge _____.]

3 (m) The crime charged in Count _____, committed on or after July 1, 2006,
4 includes a sexual motivation sentence enhancement of _____ months.

5 This additional confinement time is mandatory and must be served consecutively to any other
6 sentence and any other enhancement I have already received or will receive in this or any other
7 cause for any felony offense. [If not applicable, this paragraph should be stricken and initialed by
8 the defendant and the judge _____.]

9 (n) For crimes committed on or after July 22, 2007: If I am pleading guilty to rape of a
10 child in the first, second or third degree or child molestation in the first, second or third degree, and
11 I engaged, agreed or offered to engage the victim in sexual intercourse or sexual contact for a fee, or
12 if I attempted, solicited another, or conspired to engage, agree or offer to engage the victim in
13 sexual intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the
14 standard sentence range. If I am pleading guilty to more than one offense, the one-year
15 enhancement must be added to the total period of total confinement for all offenses, regardless of
16 which underlying offense is subject to the enhancement.

17 (o) The sentences imposed on counts _____, except for any weapons enhancement, will
18 run concurrently unless there is a finding of substantial and compelling reasons to do otherwise. [If
19 not applicable, this paragraph should be stricken and initialed by the defendant and judge _____.]

20 (p) Counts _____ are serious violent offenses arising from separate and distinct
21 criminal conduct and the sentences on those counts will run consecutively unless the judge finds
22

1 substantial and compelling reasons to do otherwise. [If not applicable, this paragraph should be
2 stricken and initialed by the defendant and the judge _____.]

3 (q) Government assistance may be suspended during any period of confinement.

4 (r) Special sex offender sentencing alternative:

5 For offenses committed before September 1, 2001: The judge may suspend execution
6 of the standard range term of confinement under the special sex offender sentencing alternative
7 (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001)
8 or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution
9 of the standard range term of confinement, I will be placed on community custody for the length of
10 the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days
11 of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions
12 and requirements placed upon me; and I will be subject to all of the conditions described in paragraph
13 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a
14 prescribed course of study or occupational training. If a violation of the sentence occurs during
15 community custody, the judge may revoke the suspended sentence.

16 For offenses committed on or after September 1, 2001: The judge may suspend
17 execution of the standard range term of confinement or the minimum term of confinement, under the
18 special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge
19 suspends execution of the standard range term of confinement for a sex offense that is not listed in
20 paragraph 6(f)(ii)(a), I will be placed on community custody for the length of the suspended sentence
21 or three years, whichever is greater. If the judge suspends execution of minimum term of confinement
22 for a sex offense listed in paragraph 6(f)(ii)(a), I will be placed on community custody for the length

1 of the statutory maximum sentence of the offense. In addition to the term of community custody, I
2 will be ordered to serve up to 180 days of total confinement or, for a crime committed after July 1,
3 2005, up to 12 months of total confinement with no early release; I will be ordered to participate in
4 sex offender treatment; I will have restrictions and requirements placed upon me; and I will be
5 subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me
6 to devote time to a specific occupation and to pursue a prescribed course of study or occupational
7 training. If a violation of the sentence occurs during community custody, the judge may revoke the
8 suspended sentence.

9 (s) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the
10 judge finds I used a motor vehicle in the commission of this felony.

11 (t) I will be required to undergo testing for the human immunodeficiency virus (HIV).

12 (u) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a
13 crime under state law is grounds for deportation, exclusion from admission to the United States, or
14 denial of naturalization pursuant to the laws of the United States.

15 (v) I will be required to provide a biological sample for purposes of DNA identification
16 analysis.

17 (w) I will be required to register where I reside, attend school, or work. The specific
18 registration requirements are described in Appendix J, Notice of Registration Requirements, which
19 is attached to this form.

20 (x) This plea of guilty will result in the revocation of my right to possess, own, or have in
21 my control any firearm unless my right to do so is restored by a superior court in Washington State,
22 and by a federal court if required. I must immediately surrender any concealed pistol license.

1 (y) I will be ineligible to vote until that right is restored in a manner provided by law.
2 If I am registered to vote, my voter registration will be cancelled.

3 (z) Because this is a crime of domestic violence, I may be ordered to pay a domestic
4 violence assessment of up to \$100. If I, or the victim of the crime, have a minor child, the court
5 may order me to participate in a domestic violence perpetrator program approved under RCW
6 26.50.150. [If not applicable, this paragraph should be stricken and initialed by the defendant and
7 the judge _____.]

8 (aa) Because I am pleading guilty to commercial sexual abuse of a minor, a condition of
9 my sentence will be that I not be subsequently arrested for patronizing a prostitute or commercial
10 sexual abuse of a minor. The court will impose crime-related geographic restrictions on me if
11 feasible. If this is my first offense, the court will order me to attend a program designed to educate
12 me about the negative costs of prostitution. [If not applicable, this paragraph should be stricken and
13 initialed by the defendant and the judge _____.]

14 (bb) Because the crime to which I am pleading guilty was the result of my arrest for one
15 of the following crimes, the listed fee for the crime of arrest must be imposed by the judge at
16 sentencing. The court may reduce the fine by up to two-thirds if it finds that I do not have the
17 ability to pay the fee.

18 Trafficking in the first or second degree: \$3000

19 Indecent exposure, prostitution, or a comparable county or municipal crime: \$50

20 Permitting prostitution or a comparable county or municipal crime: \$1500 if the
defendant has no prior convictions, deferred sentences, deferred prosecutions,
or diversion agreements for this offense; \$2500 if the defendant has one such
prior; \$5000 if the defendant has two such priors.

21 Patronizing a prostitute or a comparable county or municipal crime: \$1500 if the
defendant has no prior convictions, deferred sentences, deferred prosecutions,
22 or diversion agreements for this offense; \$2500 if the defendant has one such
prior; \$5000 if the defendant has two such priors.

Promoting prostitution in the first or second degree, or a comparable county or municipal crime: \$3000 if the defendant has no prior convictions, deferred sentences, deferred prosecutions, or diversion agreements for this offense; \$6000 if the defendant has one such prior; \$10,000 if the defendant has two such priors.

Commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, promoting travel for commercial sexual abuse of a minor, or a comparable county or municipal crime: \$5000.

[If not applicable, this paragraph should be stricken and initialed by the defendant and the judge _____.]

(cc) If I have Washington State volunteer firefighters vehicle license plates, I must surrender those license plates at the time this plea is entered.

7. I plead guilty to the crime(s) of _____

as charged in the information/ _____ amended information, including all charged enhancements and domestic violence designations. I have received a copy of that information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state briefly in my own words what I did that makes me guilty of this (these) crime(s), including enhancements and domestic violence relationships, if they

1 apply. This is my statement:

2 _____

3 _____

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 12. My lawyer has explained to me, and we have fully discussed, all of the above

12 paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on

13 Plea of Guilty." I have no further questions to ask the judge.

14

15 _____

DEFENDANT

16 I have read and discussed this statement

17 with the defendant and believe that the

18 defendant is competent and fully

19 understands the statement.

20 PROSECUTING ATTORNEY

Print Name: _____

WSBA# _____

DEFENDANT'S LAWYER

Print Name: _____

WSBA# _____

1 The foregoing statement was signed by the defendant in open court in the presence of the
2 defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- 3 [] (a) The defendant had previously read; or
4 [] (b) The defendant's lawyer had previously read to him or her; or
5 [] (c) An interpreter had previously read to the defendant the entire statement above;

6 and that the defendant understood it in full.

7 I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. The
8 defendant understands the charges and the consequences of the plea. There is a factual basis for the
9 plea. The defendant is guilty as charged.

10 Dated this _____ day of _____, 20____ .

11 _____
12 JUDGE

13 I am a certified interpreter or have been found otherwise qualified by the court to interpret in
14 the _____ language and I am fluent in that language, which the defendant understands.

15 I have translated this entire document for the defendant from English into that language. I certify
16 under penalty of perjury under the laws of the State of Washington that the foregoing is true and
17 correct.

18 Dated this _____ day of _____, 20____ .

19 _____
20 TRANSLATOR

21 Print Name: _____

22 _____
INTERPRETER

Print Name: _____